

Base ordinance text from Exhibit "C" – Ordinance No. 3429 Planned Development No. 99 (Mercer Crossing/West). Deleted text shown as strike-through text; new text shown as red underlined text.

Article VIII. Administration

F. Phasing of Development

In approving this ORDINANCE, the City Council expresses its intent to adopt regulations that require the Property to be developed as a mix of COMMERCE and RESIDENTIAL uses as described in Section I.A. of this Exhibit C. In order to ensure that COMMERCE uses and the AMENITY CENTER are developed along with RESIDENTIAL use, and specifically, SINGLE-FAMILY RESIDENTIAL, ~~no more than 300 building permits for construction of SINGLE-FAMILY RESIDENTIAL dwellings on the Property shall be issued by the City until the following are substantially started or, in the case of the hotel described in Paragraph 2.b., completed (see Appendix J – Development Phasing Map)~~ the following development phasing requirements shall apply:

~~1. Proposed Development north of Wittington Place East~~

- ~~a. One AMENITY CENTER and one or more SHELL BUILDINGS containing cumulatively not less than 25,000 square feet of gross floor area designed for restaurant and retail uses and constructed in the URBAN COMMERCE SUBAREA bounded by Valley View Lane on the north, Luna Road on the east, and Whittington Place East on the south as shown on Appendix J, hereto.~~
- ~~b. One or more SHELL BUILDINGS, designed to be used as OFFICE BUILDINGS containing cumulatively not less than 65,000 square feet of gross floor area located in the area east of Chartwell Crest Drive as shown on Appendix J.~~

~~2. Proposed Development South of I-635~~

- ~~a. A FULL SERVICE HOTEL with no fewer than 135 guest rooms constructed in the URBAN COMMERCE SUBAREA located south of I-635.~~
- ~~b. One or more SHELL BUILDINGS containing cumulatively not less than 25,000 square feet of gross floor area designed for restaurants and retail uses and constructed in the URBAN COMMERCE SUBAREA located south of I-635.~~

- 1. Construction of one (1) AMENITY CENTER including related site improvements, located on the north side of Mercer Parkway, on the east side of Chartwell Crest, and west of the lake as shown on Appendix J – Development Phasing Map, shall be completed and a certificate of occupancy issued prior to the issuance of the 451st building permit for construction of SINGLE-FAMILY RESIDENTIAL dwellings on the Property.

2. No more than 451 building permits for construction of SINGLE-FAMILY RESIDENTIAL dwellings on the Property shall be issued by the City until the following are substantially started (as defined in F.4. below) as shown on Appendix J – Development Phasing Map:

a. One (1) SHELL BUILDING, designed to be used as an OFFICE BUILDING containing not less than 100,000 square feet of gross floor area located in the area east of Chartwell Crest Drive and on the north side of Wittington Place East.

b. One or more SHELL BUILDINGS containing cumulatively not less than 59,000 square feet of gross floor area designed for restaurants, RETAIL and/or COMMERCIAL INDOOR AMUSEMENT uses and constructed in the URBAN COMMERCE DISTRICT located south of I-635 (i.e. Tract 2), and subject to the following:

(1) Not less than 44,250 square feet shall be restaurant and/or COMMERCIAL INDOOR AMUSEMENT uses; and

(2) Not to exceed 5,900 square feet may be PERSONAL SERVICE USES.

c. Dredging of the lake located adjacent to the south side of Tract 2 south of I-635 (as shown on Appendix “J”) is completed, in addition to the following (subject to review and approval by the City Manager or designee):

(1) An as-built survey of the bottom of the lake is provided to the Director of Public Works showing the lake depth is not less than five feet (5.0’) deep; and

(2) Three (3) lighted aeration fountains are installed in the lake.

d. A hike and bike trail not less than twelve feet (12.0’) wide is constructed in the location generally shown on Appendix G - Parks, Open Space, Trails and Other Recreational Facilities Map, and a public access easement beginning at the hike and trail system along the southern edge of Tract 2 and continuing across the low water crossing/weir to connect to the existing hike and bike trail located on the north side of Lot 1, Block A of the Mercer Crossing South Addition is dedicated. The final design and construction of the hike and bike trail shall be subject to review and approval by the City Manager or designee. Said trail shall be maintained by the property owners’ association.

3. No more than 600 building permits for construction of SINGLE-FAMILY RESIDENTIAL dwellings on the Property shall be issued by the City until the following are substantially started (as defined in F.4. below) as shown on Appendix J – Development Phasing Map:

a. An AMPHITHEATER located on the south side of Wittington Place East, east of Chartwell Crest, and on the north side of the lake; and

b. One or more SHELL BUILDINGS designed to be used as OFFICE BUILDINGS containing cumulatively not less than 40,000 square feet of gross floor area located on the south side of Wittington Place East, east of Chartwell Crest, and on the north side of the lake.

4. For purposes of this Section VIII.F. “substantially started: means that construction of all utilities, STREETS, PARKS, OPEN SPACES, PARKING (whether ground level or STRUCTURED PARKING) and landscaping are completed and construction of the AMENITY BUILDING and SHELL BUILDING for the particular use has reached the point that, in accordance with the DEVELOPMENT REGULATIONS, the City’s Building Official is able to issue a certificate of occupancy.

~~For purposes of this Section VIII.F., construction of the Full Service Hotel required to be constructed pursuant to Paragraph 2.a. shall be deemed completed when a certificate of occupancy is issued by the City building official and said hotel is operating and open to the public for business.~~

Article III. Use and Building Envelope Standards

B. Urban Commerce District *(amends III.B.1. to add e. and f. below)*

1. Urban Commerce – Uses

e. Additional Use Limitations

(1) The 9.59 acres located in the western portion of the URBAN COMMERCE DISTRICT south of IH-635 (i.e. Tract 2) as shown on Appendix J – Development Phasing Map shall be subject to the following use limitations:

(a) Not less than 75% of the cumulative building gross square footage developed shall be restaurant and/or COMMERCIAL INDOOR AMUSEMENT uses; and

(b) No more than 10% of the cumulative building gross square footage developed as RETAIL uses shall be PERSONAL SERVICE USES.

(2) No more than 10% of the cumulative building gross square footage developed as RETAIL uses on the 23.6 acres located within the URBAN COMMERCE DISTRICT at

the southeast corner of Luna Road and Valley View Lane shall be PERSONAL SERVICES USES.

f. Conceptual Site Plan Requirement – Southeast corner of Luna Road and Valley View Lane

The 23.6 acres located within the URBAN COMMERCE DISTRICT at the southeast corner of Luna Road and Valley View Lane shall be developed in accordance with the site layout depicted on the conceptual site plan as shown on Appendix K – Urban Commerce Conceptual Site Plan (Luna Road/Valley View Lane). All subsequently approved DETAILED SITE PLANS shall be in substantial conformance with the conceptual site plan. Any development proposed not in conformance with the conceptual site plan as shown on Appendix K shall require the conceptual site plan to be amended and shall be considered an amendment to the PD-99 zoning district. An amended conceptual site plan must be approved by the City Council following receipt of a recommendation from the PLANNING AND ZONING COMMISSION in the same manner as an amendment to the CZO, the City's Zoning Map, and this Ordinance.

The following exhibits are being amended and/or added to PD-99:

- Appendix G – Parks, Open Space, Trails and Other Recreational Facilities Map:
Amended to include Mercer Boardwalk Pedestrian Low Water Crossing Location graphic (dated 2019-06-20)
- Appendix J – Development Phasing Map: **Amended to reflect** new development phasing requirements
- Appendix K – Urban Commerce Conceptual Site Plan (Luna Road/Valley View Lane)
(NEW Appendix)